

tion, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

EDUCATIONAL AFFAIRS.

Committee Room,

Austin Texas, April 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 592, a bill to be entitled "An Act to create the Midlothian independent school district in the city of Midlothian, Ellis county, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

GRINNAN, Chairman.

Committee Room,

Austin, Texas, April 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 631, a bill to be entitled "An Act creating the Gause independent school district, in Milam county, and defining its boundaries,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GRINNAN, Chairman.

ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, April 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 625, a bill to be entitled "An Act to create a more efficient road system for San Saba county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and prescribing their duties as such, and providing for the compensation of road commissioners," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 632, a bill to be entitled "An Act to create a more efficient road law for Tyler county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

SIXTIETH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, April 11, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hawk's.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stone, the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stokes:

Crockett, Texas, April 9, 1905.

To the Legislature of the State of Texas:

We, the undersigned citizens and members of the grand jury of Houston county, Third Judicial District, Hon. B. H. Gardner sitting, beg leave to represent to your honorable body thus:

From a close investigation and inquiry into the financial affairs of Houston county for several years past, touching especially on matters of delinquent taxes, we have come to the conclusion that the present law commonly known as the Colquitt law fails to accomplish the ends for which it was enacted; that there is no effort made to enforce same in Houston county, nor do we believe, in any other section of this State, because of the cumbersome and impracticable provisions of said law. We believe that a large per cent of the tax delinquencies of this county, and the State, cumulative from year to year, and growing with an ever recurring ratio of increment with each annual tax roll, until it has amounted in Houston county to nearly or quite thirty-three and one-third per cent of the tax levy for the year 1904, is due to the complicated and impracticable machinery of said law for enforcing collection. We beg your honorable body to consider the wisdom of either returning to the old methods of dealing with tax delinquencies or of so amending or substituting the present methods as to make them more efficient. We beg also to represent to your honorable body that we believe our present ad valorem tax rate fully ample and adequate for all State and county purposes, if it were collected, and we urge the Legislature that instead of increasing the rate of taxation, they consider and adopt methods of collection whereby the taxes already due and delinquent may be collected. Respectfully,

(Signed) W. B. Page, foreman of grand jury; H. F. Craddock, J. A. McConnell, John LeGory, W. H. Baym, William McLean, L. D. Rogers, J. J. Hammond, G. T. Lundy, W. H. Wall.

Senator Grinnan offered the following petitions:

Valley Springs, Tex., April 3, 1905.
Hon. Arch Grinnan, Austin, Texas.

Dear Sir: I send you a small list of the voters of this precinct. I had a few hours that I devoted to getting up this list. I did not present the list to only two who did not sign it. I could have gotten several more if I had time to see them. Respectfully,

A. C. BUSH.

To the Honorable Arch Grinnan, State Senator, Austin, Texas.

We, the undersigned voters and taxpayers of Llano county, do hereby petition and pray that you as our Senator have the bill killed in the Senate, which was introduced in the House by our Representative, the Hon. S. E. Johnson, repealing Llano county's special road law. Respectfully submitted. Signed.

Paul Coombs, G. B. Underwood, G. H. Underwood, C. S. Underwood, F. J. Osbourn, J. F. Osbourn, J. M. Ste-

venson, R. G. Stevenson, J. R. Tommie, W. L. Layne, M. M. Tomme, S. V. Linely, M. G. Owen, J. M. Gephart, J. D. Owen, J. F. Reagan, S. B. Jester, John M. Sessions, W. J. Spinks, L. M. Spinks, F. M. Talley.

To the Honorable Arch Grinnan, State Senator, Austin, Texas.

We, the undersigned residents, citizens, voters and taxpayers of Llano county, do hereby petition and pray that you as our Senator from this district do all you can in the Senate to kill the bill repealing Llano county's special road law introduced in the House by the Hon. S. E. Johnson, Representative of this district. Hoping that the above will meet with your hearty approval. Respectfully submitted. Signed.

E. F. Shropshire, T. J. Bagley, E. M. Fleming, B. S. Tinsley, P. C. McCoy, J. J. Jones, J. Longbottom, J. M. Fleming, J. E. Hodgson, G. W. Christian, S. M. Cate, J. C. Cate, W. M. Fleming, C. B. Speck, M. E. Self, W. W. Tinsley, H. K. Wilbern, T. F. Walker, Chas. Gray, L. C. Tinsley, Bill Cain, W. W. Willbern, J. F. Bragg, M. H. Herren, W. K. Rawls, W. F. Martin, Frank Martin, I. J. Wootan, J. M. Eaton, W. A. Fox, G. W. Harned, Frank Griffay, J. P. Berthune, H. E. Hall, W. S. Lewis, T. L. Hughes, B. H. Hughes, J. P. Hughes, Wilson Rodgers, C. D. Owens, R. H. Cain, J. D. Cain, ex-county commissioner; C. P. Scott, J. R. Scott, P. G. Sheppard, L. I. Shook, J. W. Shook, Jas. Jackson, H. G. Smith, T. K. Bush, Lewis H. Bruhl, A. E. Scott, O. Guerlin, W. J. Spurlin, Frank Kathmann, Tom Foster, N. B. Dabbs, O. D. Dabbs, N. M. Hendrick, G. W. Templeton, S. E. Hargon, N. B. Hargon, S. W. Hargon, P. H. Hargon, F. W. Bastian, J. B. Watson, A. H. Strahle, W. J. Moore, H. C. Buttery, H. C. Buttery, Jr., B. A. Ross, John A. Weeks, J. P. Reagan, W. B. Lewis, O. A. Rolker, L. Loewenstein, M. D. Slater, M. M. Moss, R. H. Gillon, S. J. Jainer, W. J. Rogers, M. N. Edwards, Jno. A. Chism, W. L. Barur, W. B. Collins, E. H. Qualls, C. H. Appleton, Wilburn Oatman, Sam Spears, J. J. Mabry, R. H. Peacock, Karl K. Mabry, W. E. Simpson, E. C. Simmons, John C. Oatman, Geo. C. Breazeale, C. M. Hadden, F. M. Clendennen, H. R. McInnis, ex-representative; A. E. Forman, J. V. Hardy, C. I. Boynton, W. B. Haynie, D. S. Livingston, E. M. Lewis, O. J. Porter, B. A. Pessely, W. H. Wallace, W. J. Forman, G. M. Watkins, B. G. Foster, H. S. Selman, M. D.; A. H. Willbern, commissioner Precinct No. 2, Llano county, Texas; George O. Mullmeyer.

To the Hon. Arch Grinnan, State Senator, Austin, Texas:
We, the undersigned voters and taxpayers of Llano county, do hereby petition and pray that you, as our sen-

ator, have the bill killed in the senate which was introduced in the house by our representative, Hon. S. E. Johnson, repealing Llano county's special road law.

Respectfully submitted,

(Signed.)

John McLeod, W. H. McLeod, W. H. Jackson, I. M. Tickling, A. J. McLeod, J. T. Jefferd, U. E. Tickling, Y. Y. Eaker, A. G. Churchill, J. P. Churchman, W. H. Calley, S. L. Driskill, W. H. Kathmann, S. G. Waldon, W. M. Stout, W. M. Jeffrey, J. F. Huffman, J. C. Crocker, A. E. Morgan, M. D. Callaway, Emil Grenwelge, J. B. Killgore, R. E. Peel, W. E. Crocker, V. A. Richards, E. F. Kathmann, J. L. Bayles, J. W. Brice, J. P. Rodgers.

To the Hon. Arch Grinnan, State Senator, Austin, Texas:

We, the undersigned resident voters and taxpayers of Llano county, do hereby petition and pray that you, as our Senator, do everything possible to kill, in the Senate, the bill introduced in the House by the Hon. S. E. Johnson, repealing Llano county's special road law. Hoping that the above will meet with your hearty approval, and that you act accordingly,

Respectfully submitted,

(Signed.)

H. S. Hereford, H. D. Morgan, B. Stevens, W. J. Black, A. B. Behrns, J. A. Box, J. W. Crain, George Thorp, John Maxwell, J. F. Hereford, C. L. Courtney, C. M. Morgan, J. W. Ferguson, John C. Tutor, J. T. Cowan, J. I. Garrett, W. R. Low, D. H. Miller, C. W. Morgan, I. W. Miller, M. S. Garrett, H. Z. Morgan, C. M. Abernathy. Tow, Texas, Llano Co., April 6, 1904. Hon. Arch Grinnan, Austin, Texas.

I herewith hand you a small petition that fully explains itself. Not a man in our community failed to sign it, but a majority signed one that was circulated last week and has doubtless reached you by this time. The people are indignant at the action of our County Judge and the three commissioners, who petitioned our Representative to have said law repealed.

Yours respectfully,

R. R. HOWARD.

To the Honorable Arch Grinnan, Austin, Texas.

We, the undersigned voters and taxpayers of Llano county, do hereby petition and pray that you, as our Senator, have the bill killed in the Senate which was introduced in the House by our Representative, the Honorable S. E. Johnson, repealing Llano county's special road law.

Respectfully submitted,

Signed—A. J. Young, W. E. Sawyer, T. A. Frazier, A. C. Bush, J. H. Graham, T. G. Hill, W. H. Baley, J. D. Haines, H. M. Tow, J. D. Cain, James

A. Winsler, D. L. Davis, R. E. McDonald, W. N. Alexander, A. P. Alexander, W. I. Maxwell, J. W. Randolph, J. V. Chism, J. W. Hickman, J. W. Davis, L. J. Shugart, W. O. Munselle, S. J. Howard, R. R. Howard, S. M. D. Peel, M. D. D. Davis, Ed Griffay, G. W. House, J. J. Mayes, McA. Mathews, C. Griffin.

To the Honorable Arch Grinnan, State Senator, Austin, Texas.

We, the undersigned voters and taxpayers of Llano county, do hereby petition that you as our Senator have the bill killed in the Senate introduced in the House by the Hon. S. E. Johnson repealing Llano county's special road law. Respectfully submitted,

Signed—O. F. Golson, J. W. Shropshire, R. M. Click, J. W. Hardy, J. B. Long, C. R. Stephens, J. B. Owens, R. F. Laning, J. B. Hicks, J. D. Cady.

The Chair had read the following from the Daughters of the Confederacy:

Galveston, Texas, April 10, 1905.

To the Members of the Twenty-ninth Legislature, the Senate of Texas.

At a meeting held in Houston, the executive committee, Daughters of the Republic of Texas, passed a vote of thanks to your honorable body, for the unanimous passage of the Alamo purchase bill, as well as for the confidence and trust expressed in the provision of that bill, which places the Alamo chapel, mission and grounds, in the custody of the Daughters of the Republic of Texas. It is our purpose to faithfully keep this obligation.

The sons of Texas have honored themselves by thus securing to the State of Texas the ownership of this sacred memorial of the glorious history of our State.

Respectfully yours,

CORNELIA BRANCH STONE,

Secretary Executive Committee, D. R. T., and Acting President.

(See appendix for standing committee reports.)

BILLS AND RESOLUTIONS.

(Resolution.)

By Senator Meachum:

Senate joint resolution No. 12, amending Sections 1, 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 29 of Article V of the Constitution of the State of Texas, relating to the judicial department; providing for enlarging and extending the jurisdiction of the Supreme Court of the State so as to include the jurisdiction now exercised by the Courts of Civil Appeals, and abolishing the Courts of Civil Appeals; providing for enlarging and extending the jurisdiction of

the District Courts of the State so as to include the jurisdiction now exercised by County Courts and judges; abolishing the office of county judge, and creating the office of county auditor, and prescribing his duties; providing for and abolishing the office of district clerk, and enlarging and prescribing the duties of the county clerks of the State; providing for and abolishing the office of district attorney, and enlarging and prescribing the duties of county attorneys of the State, and providing for the organization of the State and judicial districts.

Read first time, and referred to the Committee on Constitutional Amendments.

(Bill.)

By Senator Hanger:

Senate bill No. 321, a bill to be entitled "An Act to amend an act to incorporate the city of Fort Worth and to grant a new charter to said city, approved April 10, 1901, by amending Sections 57 and 63 of said act, and by adding to said act Sections 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 55a, 55b, 55c, 55d, 55e and 80a, and by repealing all laws and parts of laws in conflict with the added sections, and the amended sections as amended, and to declare an emergency."

Read first time, and referred to the Committee on City and Town Corporations.

SIMPLE RESOLUTION.

By Senator Brachfield:

Whereas, Dan Edwards, one of the porters of the Senate, who was the owner and holder of warrants Nos. 314 and 396, has lost them; and

Whereas, The parties have been notified not to pay said warrants and sufficient time has elapsed to show that said warrants will not be presented; therefore be it

Resolved, by the Senate of the State of Texas, That duplicate warrants issue to said Dan Edwards and that said amounts be paid out of the contingent expense fund.

The resolution was read and adopted.

FREE CONFERENCE COMMITTEE. APPOINTMENT OF.

The Chair here announced the appointment of the following free conference committee on House bill No. 361:

Senators Hanger, Looney, Meachum, Stafford and Willacy.

Morning call concluded.

PENDING BUSINESS—HOUSE BILL NO. 441.

The pending business being House bill No. 441,

The question being on the amendment by Senator Faulk to the amendment offered by Senator Hill.

Senator Faulk moved that the pending order of business (House bill No. 441) be suspended, and the Senate take up, out of its order, Senate bill No. 185.

Senator Looney moved, as a substitute, that the pending order of business (House bill No. 441) be suspended, and the Senate take up, out of its order, Senate joint resolution No. 3.

The substitute motion was lost by the following vote:

Yeas—16.

Barrett.	Harper.
Brachfield.	Hawkins.
Chambers.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.

Nays—14.

Beaty.	Hill.
Davidson.	Holland.
Faust.	Martin.
Griggs.	Meachum.
Hale.	Stafford.
Hanger.	Stone.
Hicks.	Willacy.

Absent.

Terrell.

REASONS FOR VOTING.

I vote "no" on substitute motion to take up Senate joint resolution No. 3 because it is now only four days until the day of final adjournment, and there is no reasonable possibility of the resolution passing at this session since being a Senate resolution it would have to pass both House and Senate in the limited time mentioned—in my judgment practically impossible. In addition to this, its consideration at this time would result in postponing several important bills now pending in the Senate, which have already passed the House and can be enacted into law before adjournment. Senate bill No. 185, which Senator Faulk has moved to take up, and which it is desired by the substitute motion to postpone in order to take up joint resolution No. 3, if enacted into law, in the opinion of the State Land Commissioner, will bring into the State Treasury an ad-

ditional revenue of one hundred thousand dollars per annum. In the present financial condition of the State, I can not vote to displace this revenue measure, and other important measures which can reasonably be expected to be enacted into law at this session for the consideration of a measure which has no reasonable possibility of passing both House and Senate in the limited time before final adjournment.

MEACHUM.

(Senator Skinner in the chair.)

Question then being on the motion of Senator Faulk to take up Senate bill No. 185,

The motion was adopted by the following vote:

Yeas—27.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.
Harper.	

Nays—3.

Hale.	Stafford.
Hill.	

Absent.

Terrell.

SENATE BILL NO. 185—PASSAGE OF.

The Chair laid before the Senate, on second reading,

Senate bill No. 185, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498l, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land."

Bill read second time and ordered engrossed.

On motion of Senator Faulk the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Barrett.	Decker.
Beaty.	Faulk.
Brachfield.	Faust.
Chambers.	Glasscock.
Davidson.	Griggs.

Grinnan.	Martin.
Hale.	McKamy.
Hanger.	Meachum.
Harbison.	Paulus.
Harper.	Skinner.
Hawkins.	Smith.
Hicks.	Stafford.
Hill.	Stokes.
Holland.	Stone.
Looney.	Willacy.

Absent.

Terrell.

The bill was read third time and passed by the following vote:

Yeas—30.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House bill No. 399, and passed

House bill No. 201, a bill to be entitled "An Act to amend Article 3075, of Chapter 3, Title LVIII, Revised Civil Statutes of the State of Texas, relating to insurance; providing that reinsurers shall be authorized to do business in the State; and providing for reports by said companies."

House bill No. 350, a bill to be entitled "An Act to amend Article 278, Chapter 6, Title VIII, of the Penal Code of the State of Texas, so as to require county treasurers to furnish on demand to county commissioners courts a detailed statement of county

funds, and prescribing a penalty for a violation thereof."

House bill No. 225, a bill to be entitled "An Act to amend Chapter 128 of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prohibited from running at large in the following counties, or any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin and Brazos,' as amended by Chapter 24 of the Acts of the Twenty-seventh Legislature of the State of Texas, and as amended by Chapter 71 of the Acts of the Twenty-eighth Legislature of the State of Texas, by adding thereto Section 20a, providing that each and every railroad company having a line of railway in any county or subdivision thereof where the provisions of the preceding sections of said chapter have been or may hereafter be adopted, shall be liable to the owner for the full value of the stock killed or injured by the locomotives and cars of such railroad company in running over their respective railways, which may be recovered by suit before any court having competent jurisdiction of the amount, and providing that if the railroad company shall fence its road it shall only then be liable in cases of injury resulting from want of ordinary care."

House bill No. 413, a bill to be entitled "An Act to amend Section 5 of Chapter 19, Acts of the First Called Session of the Twenty-fifth Legislature, relating to the manner of securing the attendance of non-resident witnesses by virtue of out county subpoenas, and providing fees for such witnesses."

House bill No. 359, a bill to be entitled "An Act to authorize the Commissioner of the General Land Office to issue patents upon certain homestead claims and pre-emption claims."

House bill No. 145, a bill to be entitled "An Act amending Title XXVIII, Chapter 13, Article 1010, of the Penal Code of the State of Texas, relating to offenses by railway officials or against railway companies, so as to include street car and interurban railway companies within the provisions of said article."

House bill No. 236, a bill to be entitled "An Act to amend Article 2989, Title LVI, of the Revised Civil Statutes, with respect to the granting of injunctions."

House bill No. 466, a bill to be entitled "An Act imposing an annual occupation tax upon persons engaged in

the business of purchasing or procuring assignments or transfers of wages not earned or not due and payable at the date of such assignment or transfer, and regulating those engaged in such business."

House bill No. 485, a bill to be entitled, "An Act to provide for the incorporation of printers' mutual fire insurance associations."

House concurrent resolution No. 27, relative to the committee appointed to investigate the management of the Confederate Home.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

PENDING BUSINESS—HOUSE BILL NO. 441.

Action recurring on the pending business, House bill No. 441.

The question being on the amendment by Senator Faulk to the amendment by Senator Hill, and

The amendment to the amendment was adopted.

(See Journal of yesterday for the amendment.)

The amendment as amended was adopted.

Senator Hicks offered the following amendment, which was adopted:

Amend by adding Section 3, on page 32, to the bill as amended and change numbers to correspond, as follows:

Section 3. Article 4218f of the Revised Civil Statutes of 1895 shall be so amended as to hereafter read as follows:

Article 4218f. When any portion of said land has been classified to the satisfaction of the Commissioner of the General Land Office under the provisions of this chapter or former laws, such land shall be subject to sale, but to actual settlers only, and in quantities of not less than eighty acres or multiples thereof, nor more than four sections containing six hundred and forty acres each, more or less, except in the counties of Bandera, Brewster, Crockett, El Paso, Jeff Davis, Pecos, Presidio, Sutton, Val Verde, in which counties one person may purchase eight sections of six hundred and forty acres each, more or less; provided, if any applicant has purchased any land since April 19, 1901, such person may purchase such quantity in the counties named as will make his entire purchase since said date equal to eight sections as herein defined. No purchaser shall include in his purchase more than two sections of agricultural land, and provided, that where there is a fraction less than eighty acres of any section left unsold, such fraction

may be sold. Any bona fide purchaser who has heretofore purchased or who may hereafter purchase any lands as provided herein shall have the right to purchase other lands in addition thereto; provided, that the total of his purchase shall not exceed the quantity specified in the counties named nor more than four sections in any other county, and that his purchase shall not include more than two sections of agricultural land upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. And if he or his vendor has already resided upon his home section for three years, or when he or his vendor, or both together, shall have resided upon it for three years, the additional lands purchased may be patented at any time. In all cases where a settler purchases more than one section the lands in excess of one section so purchased must be situated within a radius of five miles of the land occupied by him. Where any of the lands referred to in this act have been sold prior to July 30, 1895, in quantities greater or less than forty acres or multiples thereof, and are in good standing as to interest payments, they may be patented in such quantities. In any case where lands have been forfeited to the State for the non-payment of interest, the purchasers or their vendees may have their claims reinstated on their written request, by paying into the treasury the full amount of interest due on such claim up to the date of reinstatement; provided, that no rights of third persons may have intervened. In all such cases the original obligations and penalties shall thereby become as binding as if no forfeiture had ever occurred.

Senator Hicks offered the following amendment, which was adopted:

Amend caption by adding at the end thereof the following: "and to amend Article 4218f of the Revised Civil Statutes of 1895."

And also amend by adding after the figures "191," line 17, the following: "and that Article 4218f of the Revised Civil Statutes of 1895."

Senator Hill offered the following amendment:

Amend Section 2 of the bill as amended by inserting after the words "that he desires to purchase the land for a home" the following words: "except where otherwise provided by law."

The amendment was adopted.

Senator McKamy offered the following amendment, which was adopted:

Amend by adding the following to Section 2, as amended: "lands hereto-

fore or hereafter sold shall be patented as prescribed by law; provided, that the Commissioner of the General Land Office may, when he deems it necessary or proper, issue patents in quantities other than the multiples in which the same may have been sold."

Senator Willacy offered the following amendment, which was adopted:

Amend by striking out all after the word "after," in line 29, down to and including the word "law," in line 31, page 31, and insert the following: "This act takes effect as such judgment is rendered, at the value fixed by the commissioner of the General Land Office."

Senator McKamy offered the following amendment:

Amend by adding to the bill after Section 6, the following:

"Sec. 7. All tracts of 640 acres or less, which tracts are or may become isolated and detached from other public lands, may be sold to any purchaser under the provisions this act without the condition of settlement and occupancy, and all such tracts or parts of such tracts heretofore sold may be patented at any time upon the payment in full of the purchase money due the State, and all sales of less than 640 acres of unsurveyed school lands heretofore made may be patented at any time after payment in full of the purchase price of same, without proof of settlement and improvement."

Pending discussion on the amendment same was withdrawn.

Senator Hill offered the following amendment, which was adopted:

Amend the caption by inserting after the word "lands," line 13, the following: "and unsurveyed school lands."

Senator Smith offered the following amendment:

Amend the caption and the bill by striking out Section 6 therein wherever it occurs.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 284, a bill to be entitled "An Act to authorize common school districts to issue bonds for the purpose of building and equipping school houses, and to provide for the investment of the county permanent school fund in said bonds," with engrossed rider.

Also adopted the free conference

committee report to Senate substitute bill No. 5 and 79.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House joint resolution No. 8, authorizing the submission to a vote of the people of the State of Texas of a proposed amendment to Section 24, Article III, of the Constitution of the State of Texas, fixing the salaries of members of the Legislature, with engrossed rider.

House bill No. 500, a bill to be entitled "An Act relating to the collection of witness and jury fees by county and precinct officers of the State of Texas; defining the fees collected, the time to be held and the final disposition of same, providing penalties for the violation of this act, and declaring an emergency."

House bill No. 93, a bill to be entitled "An Act defining the occupation of keeping a cold storage, levying an annual State occupation tax thereon, and authorizing counties, cities and towns where such occupation is pursued to each levy and collect a tax thereon not exceeding one-half the State tax levied, requiring that before such occupation is pursued all occupation taxes due thereon be paid, and the bond required by this act be executed and approved in the amount and with all the conditions required, that a license issue, and fully prescribing the conditions on which such occupation may be pursued, regulating the manner in which the same must be conducted, making it a misdemeanor to engage in such occupation without first having obtained a license, and providing a punishment therefor; and where bond is breached, authorizing suits in favor of the State for penalties, and in favor of those aggrieved or injured, for damages."

House bill No. 543, a bill to be entitled "An Act to prohibit the soliciting or receiving orders for the sale or delivery of intoxicating liquors in any county in this State, or subdivision thereof, in which the sale of intoxicating liquors has been prohibited by law, and to prescribe a penalty therefor," with engrossed rider.

Also refused to concur in Senate amendments to House bill No. 12, and free conference committee is requested,

and appointed the following on part of the House: Love of Dallas, Shannon, Mays, Williams and Cobbs.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

FREE CONFERENCE COMMITTEE APPOINTED.

The Chair here announced the appointment of the following free conference committee on House bill No. 12:

Senators Hicks, Decker, McKamy, Willacy and Barrett.

RECESS.

On motion of Senator Davidson, the Senate took a recess until 3 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

PENDING BUSINESS—HOUSE BILL NO. 441.

Action being on the amendment by Senator Smith, Senator Hill moved to table the amendment, which motion was adopted by the following vote:

Yeas—15.

Beaty.	Hicks.
Davidson.	Hill.
Decker.	Holland.
Faust.	Meachum.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Hawkins.	

Nays—14.

Barrett.	Harper.
Brachfield.	Looney.
Chambers.	Martin.
Faulk.	McKamy.
Glasscock.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.

Absent.

Paulus.	Terrell.
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Senator Hawkins offered the following amendment, which was adopted:

Amend Section 6 by adding after "lease," line 27, the following: "Provided, that in case the lease under which the preference right is held was executed prior to the taking effect of this act, and under an act which contemplated that the preference right of purchase would be at a valuation fixed

or to be fixed by the Commissioner of the General Land Office, that in such case the parties exercising such preference right shall have the right to buy said land at a valuation fixed or to be fixed by the Land Commissioner of Texas."

Senator Davidson offered the following amendment:

Amend by adding the following as Section 2a: Whenever there shall be a vacancy in the office of County or District Surveyor in any of the counties it shall be the duty of the county commissioners court of the county in which such vacancy occurs to fill by appointment such vacancy, such appointment to continue in force until the next general election. In the event such commissioners court shall fail to appoint a person to fill such vacancy, or if they shall appoint a person to fill same, and he shall fail to qualify and act as such surveyor, then any County or District Surveyor of the nearest county or district to such county who may be accessible and willing to act shall be authorized to do surveying in such county, and for his services he shall be entitled to receive the same fees and compensation as are now provided by law for County and District Surveyors, and such surveyor shall be subject to the same law as now applicable to County and District Surveyors for the faithful performance of their duties. In making a survey under the provisions hereof said surveyor shall make out and return said field notes in the manner and form as required under Article 4144 of the Revised Statutes of 1895, but he shall sign the field notes, officially, as surveyor of his own county, or district, and also cause to be attached to said field notes so made by him a certificate of the County Clerk of proper county to the fact that there is no qualified surveyor of such county.

Senator Glasscock raised the point of order that the amendment contained a different subject matter to that of the bill.

The Chair overruled the point of order.

The amendment was adopted.

(President Pro Tem. Hanger in chair.)

Senator Davidson offered the following amendment, which was adopted.

Amend the caption by adding the following: "And to provide a method for having same surveyed and to appoint a surveyor in case of a vacancy."

Senator Glasscock offered the following amendment:

Amend Section 1 by adding thereto the following: "That in addition to the mode and manner for the sale and lease of the lands provided for in this

act the Commissioner of the General Land Office may, in his discretion, give the manner of notice for the sale and lease as herein provided, and sell and lease said lands at public outcry to the highest bidder by the terms of sale provided for in this act."

Senator Chambers moved the previous question, on the amendment and engrossment of the bill, which motion being duly seconded, it was so ordered.

The question then being on the amendment by Senator Glasscock, the same was lost by the following vote:

Yeas—10.

Chambers.	Harper.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Harbison.	Stokes.

Nays—20.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stone.
Hawkins.	

Absent.

Terrell.

Bill read second time and passed to a third reading. On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Willacy.
Hawkins.	

Nays—4.

Brachfield.	Martin.
Grinnan.	Stokes.
Decker.	Absent.
	Terrell.

The bill was read third time, and Senator Faulk offered the following amendment:

Amend Section 2 as amended by adding the following. "Provided, that no tract containing more than one hundred and sixty acres of vacant unsurveyed land situated in swamps or bottoms so that it is unsuitable for settlement, can be sold under this act, and the sale of any such land must be sold for cash only." And strike out the provisions in said section providing for sale of such land for one-fortieth cash with 5 per cent interest and deferred principal."

Senator Hale moved the previous question on the amendment and the bill, which motion, being duly seconded, it was so ordered.

The amendment was adopted by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Harbison.	Terrell.
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The bill was read third time, and passed by the following vote:

Yeas—21.

Beaty.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Hicks.	

Nays—8.

Barrett.	Hawkins.
Brachfield.	Martin.
Grinnan.	Smith.
Harper.	Stokes.

Absent.

Harbison.	Terrell.
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Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas,

Austin, Texas, April 11, 1905.

To the Legislature:

I am advised that you have determined to adjourn sine die on the 15th instant. I beg to urge upon your thoughtful consideration the manifest necessity of making provision for raising the necessary revenue for the support of the State government before adjournment. The bills you have already passed relating to taxation will not prove adequate to meet the necessities of the situation. What delays may attend their execution, and exactly how much revenue may be finally derived from their operation, it is impossible to forecast.

In my first message to you, after a most careful study of our conditions, I felt constrained to urge an increase of the ad valorem rate of taxes to meet the emergency that is upon us. Subsequent events have confirmed the propriety of that recommendation and its correctness can not, in the light of what has occurred, be successfully controverted. I renew with the utmost emphasis the request that, before you adjourn, this recommendation be observed and that the bill carrying the same into effect be promptly passed by the requisite majority to make it immediately operative. Do not, I respectfully urge you, allow this matter to be deferred for consideration at an extraordinary session. Your Committees on Appropriations are entitled to have this legislation enacted that they may intelligently act upon their bills and govern themselves accordingly. This proposition must originate in the House. It is believed that the Senate would promptly respond to the action of the House, as it has done on other bills raising revenue. I earnestly invoke your serious and prompt attention to this matter.

S. W. T. LANHAM,
Governor.

FOURTH HOUSE MESSAGE.

House of Representatives.

Twenty-ninth Legislature.

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 290, a bill to be entitled "An Act to authorize the State Board of Education to purchase State warrants with the permanent school

fund, and the unappropriated available school fund."

House bill No. 548, a bill to be entitled "An Act to amend Title LXIX, Article 3393, of the Revised Civil Statutes of the State of Texas, 1895, relating to holding local option elections."

House bill No. 559, a bill to be entitled "An Act to amend Article 826, Chapter 5, Title XVII, of the Penal Code of the State of Texas, relating to the definition of timber."

House bill No. 617, a bill to be entitled "An Act to amend an act entitled 'An Act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith,' by amending Sections 5 and 6 of said act and by adding thereto Sections 7, 8, 9 and 10," with engrossed rider.

House bill No. 519, a bill to be entitled "An Act to provide for the creation of a forestry commission to investigate the forests of the State for the purpose of determining whether measures should be taken for the preservation of the forest resources, and making an appropriation."

House bill No. 65, a bill to be entitled "An Act to amend Section 9 of Chapter 111 of the General Laws of Texas, passed at the regular session of the Twenty-eighth Legislature of Texas, entitled 'An Act to authorize the incorporation of mutual assessment accident insurance companies, and to control and regulate the same.'"

House bill No. 472, a bill to be entitled "An Act to prevent the diversion of electric current, water or gas, from passing through any meter, and prevent any electric, water or gas meter by any manner or means from registering the full amount of current of electricity, water or gas that passes through it, and to prevent the diversion from any wire of electricity, or pipes or pipes of water or gas, or use of any electric current, water or gas of any person, corporation or company engaged in the manufacture or distribution of electricity, or water or gas, for lighting, power or other purposes; and to prevent the retaining of, or refusing to deliver any meters, lamps or other appliances which may have been loaned or supplied for furnishing electricity, water or gas, and to prescribe a penalty for the violation thereof."

Also adopted the report of free conference committee to Senate bill No. 17.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

HOUSE BILL NO. 116—ENGROSSMENT OF.

Senator McKamy moved that the pending order of business, Senate bill

No. 187, be suspended, and the Senate take up, out of its order, House bill No. 116, and

Senator Looney moved as a substitute that the pending order of business, Senate bill No. 187, be suspended, and the Senate take up, out of its order, Senate joint resolution No. 3.

The substitute motion was lost by the following vote:

Yeas—16.

Barrett.	Hawkins.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.

Nays—13.

Beaty.	Holland.
Davidson.	McKamy.
Faust.	Meachum.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.
Hicks.	

Absent.

Harbison.	Terrell.
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Question then being on the motion to take up House bill No. 116, the same was adopted by the following vote:

Yeas—21.

Barrett.	Holland.
Beaty.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.
Hill.	

Nays—8.

Brachfield.	Harper.
Chambers.	Hawkins.
Decker.	Looney.
Glasscock.	Paulus.

Absent.

Harbison.	Terrell.
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The Chair laid before the Senate on second reading

House Bill No. 116, a bill to be entitled "An Act to amend Sections 1, 2 and 3, and adding thereto Section 4 of Chapter 50 of the General Laws of Texas, passed at the Regular Session

of the Twenty-eighth Legislature, entitled 'An Act to prohibit the buying and selling of pools, or receiving or making bets on horse racing; to prohibit leasing of premises for pool-rooms, and to provide a penalty for its violation.'

On motion of Senator McKamy the committee report, which recommended that it do pass with amendments, was adopted by the following vote:

Yeas—23.

Barrett.	Holland.
Beaty.	Martin.
Brachfield.	McKamy.
Davidson.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.
Hill.	

Nays—6.

Chambers.	Harper.
Decker.	Hawkins.
Glasscock.	Looney.

Absent.

Harbison.	Terrell.
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Senator Hicks moved the previous question on the engrossment of the bill, which, being duly seconded, and

On that motion Senator Chambers moved a call of the Senate, which, being duly seconded, the roll was called, the following answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Terrell.	Harbison.
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(Absent not excused.)

Senators Harbison and Terrell.

ABSENTEES EXCUSED.

Senator Hale moved to excuse the
57—Senate.

absentees, which motion was adopted by the following vote:

Yeas—20.

Barrett.	Hill.
Beaty.	Holland.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Hawkins.	Stone.
Hicks.	Willacy.

Nays—9.

Brachfield.	Harper.
Chambers.	Looney.
Decker.	Martin.
Glasscock.	Stokes.
Grinnan.	

Absent.

Harbison.	Terrell.
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The Senate then being from under a call, action then recurring on the engrossment of the bill.

The bill was read second time and passed to a third reading.

Senator Hicks moved to reconsider the vote by which the bill passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 480—PASSAGE OF.

On motion of Senator Stone the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 480.

The Chair laid before the Senate on third reading

House bill No. 480, a bill to be entitled "An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith."

Senator Brachfield offered the following amendment:

Amend by striking out the word "may," in line 10, page 19, Section 73, and inserting the word "shall," and by striking out the words "may in his discretion," in line 14, Section 73, and insert in lieu thereof the word "shall."

The amendment was lost by the following vote:

Yeas—15.

Barrett.	Hawkins.
Brachfield.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Harper.	Stokes.

Nays—14.

Beaty.	Hicks.
Chambers.	Hill.
Decker.	Holland.
Faust.	Skinner.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Willacy.

Absent.

Harbison.	Terrell.
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Senator Brachfield offered the following amendment:

Amend the bill by striking out Section 98.

Senator Decker moved the previous question on the amendment and the bill, and

On that motion Senator Davidson moved a call of the Senate, which was duly seconded and the roll was called, the following answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

(Absent—Not Excused.)

Senator Terrell.

REFUSED TO EXCUSE ABSENTEE.

Senator Decker moved to excuse the absent member, which motion was lost by the following vote:

Yeas—18.

Barrett.	Chambers.
Beaty.	Decker.

Faust.	Hicks.
Glasscock.	Hill.
Griggs.	Holland.
Hale.	McKamy.
Hanger.	Paulus.
Harbison.	Stone.
Hawkins.	Willacy.

Nays—12.

Brachfield.	Martin.
Davidson.	Meachum.
Faulk.	Skinner.
Grinnan.	Smith.
Harper.	Stafford.
Looney.	Stokes.

Absent.

Terrell.

SIMPLE RESOLUTION.

By Senator Skinner:

April 11, 1905.

To Hon. Geo. D. Neal, President of the Senate.

Resolved, That the Senate hold a session tonight beginning at 8 o'clock for the purpose of considering only local bills, and after local bills have been disposed of, that House bill No. 599 be taken up and disposed of.

McKAMY,
MARTIN,
BRACHFIELD,
HICKS,
STONE,
FAUST,
PAULUS,
HARPER,
HANGER,
FAULK,
GLASSCOCK,
CHAMBERS,
STOKES,
SKINNER,
HOLLAND,
MEACHUM,
HILL,
HALE,
WILLACY,
DECKER,
BEATY,
GRIGGS,
DAVIDSON,
SMITH,
STAFFORD,
LOONEY,
GRINNAN,
BARRETT.

SENATE REFUSED TO ADJOURN.

Senator Decker moved that the Senate adjourn till tomorrow morning at 9 o'clock, and the motion was lost by the following vote:

Yeas—3.

Chambers.	Stafford.
Decker.	

Nays—25.

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hill.
Davidson.	Holland.
Faulk.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Hanger.	Smith.
Harbison.	Stokes.
Harper.	Stone.

Absent.

Hicks.	Willacy.
Terrell.	

Action recurred on the resolution by Senator Skinner, and

Senator Decker raised the point of order that a simple resolution could not be considered out of its order, only by a two-third vote or till after one day's notice.

The point of order was sustained.

HOUSE JOINT RESOLUTION NO. 11.

Senator Faulk moved that the pending order of business (House bill No. 480) be suspended, and the Senate take up, out of its order, House joint resolution No. 11.

Senator Decker moved as a substitute, that the pending order of business (House bill No. 480) be suspended, and the Senate take up, out of its order, Senate joint resolution No. 3.

Pending discussion of the motions,

Senator Davidson moved that the Senate take a recess till 8 o'clock tonight, which motion was lost by the following vote:

Yeas—14.

Barrett.	Hanger.
Beaty.	Hawkins.
Brachfield.	McKamy.
Davidson.	Meachum.
Faust.	Smith.
Griggs.	Stafford.
Hale.	Willacy.

Nays—16.

Chambers.	Hill.
Decker.	Holland.
Faulk.	Looney.
Glasscock.	Martin.
Grinnan.	Paulus.
Harbison.	Skinner.
Harper.	Stokes.
Hicks.	Stone.

Absent.

Terrell.

FREE CONFERENCE COMMITTEE APPOINTMENT OF.

The Chair here announced the appointment of the following free conference committee on House bill No. 441. Senators Hill, Faulk, Davidson, Willacy and Looney.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.
Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 404, a bill to be entitled "An Act to amend Article 5067 of the Revised Civil Statutes of Texas, concerning the manner of listing property for taxation."

House bill No. 193, a bill to be entitled "An Act to amend an act passed at the regular session of the Twenty-seventh Legislature of the State of Texas, Chapter 112, entitled 'An Act to forbid the issuance of merchandise checks to employes,' and to repeal all laws and parts of laws in conflict therewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIXTH HOUSE MESSAGE.

Hall of the House Representatives.
Twenty-ninth Legislature.
Austin, Texas, April 10, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 502, a bill to be entitled "An Act to carry into effect the amendment to the Constitution of the State of Texas providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows, under certain conditions, and to make an appropriation therefor."

With engrossed riders.

House refuses to concur in Senate amendments to House bill No. 441, and requests a free conference committee and appoints on the part of the House Murray of Wilson, Marsh, Guinn, Hudspeth and Bartholomew.

House bill No. 609, a bill to be entitled "An Act to extend the laws and supervision of the Insurance Department over persons, firms or associa-

tions not incorporated to do an insurance business in this State."

House Bill No. 156, a bill to be entitled "An Act to provide for the working of short-term convicts upon the public roads of the State, defining 'short-term convicts,' and to provide regulations for confinement and safe keeping of such convicts."

Respectfully,
MARK LOGAN,
Acting Chief Clerk.

MOTION TO ADJOURN LOST.

Senator Holland moved that the Senate adjourn till tomorrow morning at 9 o'clock, but the motion was lost.

PENDING MOTIONS.

Action then recurred on the pending substitute motion to take up Senate joint resolution No. 3.

Pending prolonged discussion Senator Faulk withdrew his motion, and action then recurred on the motion by Senator Looney to take up Senate joint resolution No. 3, which motion was adopted by the following vote:

Yeas—21.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	

Nays—8.

Davidson.	Hicks.
Faust.	Meachum.
Griggs.	Stafford.
Hanger.	Willacy.

Absent.

Hale.	Terrell.
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The Chair laid before the Senate on second reading Senate joint resolution No. 3 to amend Section 20, of Article XVI, of the Constitution of the State of Texas.

Senator Looney offered the following amendment:

Amend the resolution, Section 2, line 27, by striking out the following, viz: "On the.....day of.....," and insert

in lieu thereof, as follows: "At the next general election for State, district and county officers."

Senator Davidson offered the following amendment to the amendment:

Amend by striking out "at the next general election" and place in "the first Tuesday in November, 1905," in place of same.

The amendment to the amendment was adopted by the following vote:

Yeas—23.

Barrett.	Holland.
Beaty.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hicks.	Willacy.
Hill.	

Nays—6.

Brachfield.	Harbison.
Chambers.	Hawkins.
Decker.	Stone.

Absent.

Hale.	Terrell.
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The amendment, as amended, was then adopted.

Senator Faulk offered the following amendment:

Amend lines 15 and 19 by striking out the word "gift."

The amendment was adopted by the following vote:

Yeas—16.

Davidson.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Glasscock.	Meachum.
Griggs.	Paulus.
Hale.	Stafford.
Hanger.	Stone.
Harper.	Willacy.

Nays—14.

Barrett.	Hawkins.
Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Decker.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.

Absent.

Terrell.

Senator Faulk offered the following amendment:

Amend line 16 by adding between the words "liquor" and "shall" the following: "For the purpose of sale, barter or exchange."

The amendment was adopted by the following vote:

Yeas—20.

Barrett.	Harper.
Beaty.	Hill.
Davidson.	Holland.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.

Nays—10.

Brachfield.	Hicks.
Chambers.	Looney.
Decker.	Martin.
Grinnan.	McKamy.
Hawkins.	Skinner.

Absent.

Terrell.

Senator Decker offered the following amendment, which was adopted:

Amend the bill by adding after "or," line 14, page 1, the word "political."

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding after "define," in line 18, the following: "And regulate."

Senator Glasscock offered the following amendment, which was adopted:

Amend by striking out the word "germain," on page 1, line 21, and insert the word "germane."

Senator Faulk moved that the vote by which the last amendment by him was adopted be reconsidered.

The motion to reconsider was adopted by the following vote:

Yeas—19.

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	

Nays—11.

Davidson.	Hanger.
Faust.	Hicks.
Hale.	Holland.

Meachum.
Paulus.
Stafford.

Stone.
Willacy.

Absent.

Terrell.

Senator Faulk withdrew the amendment.

Senator Looney moved the previous question on the engrossment of the resolution, which being duly seconded, was so ordered.

The resolution was read second time and ordered engrossed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Nays—3.

Faust.	Stafford.
Griggs.	

Absent.

Hawkins.

Terrell.

Senator Looney moved to reconsider the vote by which the resolution was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

PENDING BUSINESS — HOUSE BILL NO. 480.

Action here recurred on House bill No. 480, all pending questions and motions, having been by unanimous consent, withdrawn.

Question being on the amendment by Senator Brachfield, which was adopted by the following vote:

Yeas—28.

Barrett.	Griggs.
Beaty.	Hale.
Brachfield.	Hanger.
Chambers.	Harbison.
Davidson.	Harper.
Decker.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Glasscock.	Looney.

Martin.	Smith.
McKamy.	Stafford.
Meachum.	Stokes.
Paulus.	Stone.
Skinner.	Willacy.

Absent.

Grinnan.	Terrell.
Hawkins.	

Senator Davidson offered the following amendment:

Amend by striking out Sections 129 and 130.

The amendment was lost by the following vote:

Yeas—15.

Beaty.	Hill.
Brachfield.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Griggs.	Skinner.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	

Nays—14.

Barrett.	Hicks.
Chambers.	Holland.
Decker.	Martin.
Faust.	Paulus.
Glasscock.	Smith.
Hale.	Stokes.
Hawkins.	Stone.

Absent.

Grinnan.	Terrell.
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Senator Smith offered the following amendment:

Amend Section 130, page 41, line 31, by striking out the words "or neglects."

The amendment was adopted by the following vote:

Yeas—28.

Barrett.	Hawkins.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Grinnan.	Terrell.
Hicks.	

The bill was read third time and passed.

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 321—PASSAGE OF.

On motion of Senator Decker, the pending order of business was suspended, and the Senate took up, out of its order, Senate bill No. 321.

The Senate rule requiring committee reports to lay over for one day was suspended, on motion of Senator Decker.

Senator Hanger here exhibited proof of publication of notice to apply to the Legislature for the passage of this act.

On motion of Senator Decker the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—30.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

The Chair laid before the Senate, on second reading,

Senate bill No. 321, a bill to be entitled "An Act to amend an act to incorporate the city of Fort Worth and to grant it a new charter and declaring an emergency."

The committee report was adopted. Bill read second time and ordered engrossed.

On motion of Senator Decker the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Barrett.	Decker.
Beaty.	Faulk.
Brachfield.	Faust.
Chambers.	Glasscock.
Davidson.	Griggs.

Grinnan.	Martin.
Hale.	McKamy.
Hanger.	Meachum.
Harbison.	Paulus.
Harper.	Skinner.
Hawkins.	Smith.
Hicks.	Stafford.
Hill.	Stokes.
Holland.	Stone.
Looney.	Willacy.

Absent.

Terrell.

The bill was read third time and passed by the following vote:

Yeas—30.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

HOUSE BILL NO. 633—PASSAGE OF.

On motion of Senator Willacy, the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 633.

The Chair laid before the Senate, on second reading,

House bill No. 633, a bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of court therein, and to repeal all laws and parts of laws in conflict herewith."

The committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Beaty.	Terrell.
Smith.	

The bill was read third time and passed by the following vote:

Yeas—28.

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Beaty.	Terrell.
Smith.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

HOUSE BILL NO. 599.

On motion of Senator Davidson, House bill No. 599 was set for special order for tomorrow night at 8 o'clock.

SENATE BILL NO 58—PENDING BUSINESS.

On motion of Senator Barrett, the pending order of business was suspended, and the Senate took up, out of its order, Senate bill No. 58.

The Chair laid before the Senate on second reading,

Senate bill No. 58, a bill to be entitled "An Act to repeal Subdivision one (1), five (5), six (6), eight (8), eleven (11), twelve (12), thirty-one (31), thirty-three (33), thirty-five (35), thirty-eight (38), thirty-nine (39), fifty-one (51), fifty-five (55), fifty-nine (59), and to amend Subdivision thirteen (13), of Section one (1) of an act entitled 'An Act to amend Article 5049, Chapter one (1), Title one hundred and four (104), of the Revised Statutes, relating to general occupation taxes,' Chapter eighteen (18), of the Acts of the first special session of the Twenty-fifth Legislature, relating to taxes on certain occupations."

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair, Lieutenant Governor Neal, gave notice of signing, and did sign in the presence of the Senate after their captions had been read,

House bill No. 499, a bill to be entitled "An Act to restore and confer upon the County Court of Chambers county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of this State," etc.

House bill No. 589, a bill to be entitled "An Act to amend an act entitled 'An Act to amend Sections 71, 94, 95 and 96 of an act entitled "An Act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries," passed in the House of Representatives on the 28th day of March, 1901, and in the Senate on the 4th day of April, 1901, and approved by the Governor on the 18th day of April, 1901, so as to provide a method for the election of a city treasurer for the city of Austin by the city council of said city, to define his duties, to fix his salary, to otherwise regulate the filling of said office and its administration, and to repeal all existing charter provisions of said city which conflict or are inconsistent with the provisions of this act,' passed at the regular session of the Twenty-eighth Legislature, being Chapter 42 of the special laws of said Legislature, approved March 31, 1903, so as to increase the salary of the city physician from \$500 to \$1200."

House bill No. 619, a bill to be entitled "An Act to create a more efficient road system for Robertson county, Texas, and providing for the levy of a special tax for road and bridge purposes, and for the proration and distribution of the money collected by virtue of said tax and for the bonding of the valid outstanding registered

indebtedness against the road and bridge fund of said county, and for the levy of a tax to pay said bond or bonds issued in accordance with this act, and creating an emergency."

House bill No. 627, a bill to be entitled "An Act creating the Lufkin independent school district in Angelina county, Texas."

House concurrent resolution No. 26, relative to sine die adjournment of the Twenty-ninth Legislature, fixing April 15 as the date of adjournment.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair, Lieutenant Governor Neal, gave notice of signing, and did sign in the presence of the Senate after their captions had been read,

Senate bill No. 17, a bill to be entitled "An Act to inhibit owners, managers and lessees of billiard halls, pool halls and ten pin and bowling alleys, and their clerks and employes, from permitting persons under twenty-one years of age to play at any game of billiards or pool or roll upon any ten pin or bowling alley, or permit them to enter and remain in such place of business, whether intoxicating liquors are sold therein or not, and to provide a penalty for a violation of this act."

Senate bill No. 301, a bill to be entitled "An Act to create a more efficient road system for Dallas county."

Senate bill Nos. 5 and 79, a bill to be entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas of 1895, by adding Article 2274a and amending Articles 2282 and 2284 of said title and chapter, relating to notice for and the manner of taking depositions in civil cases."

Senate substitute bill No. 46, a bill to be entitled "An Act to amend Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, Revised Civil Statutes."

Senate bill No. 236, a bill to be entitled "An Act to amend Article 899 of the Penal Code of the State of Texas of 1895, so as to require the butchers of Karnes county, Texas, to give bond as required by law."

BILLS READ AND REFERRED.

The Chair, Lieutenant Governor Neal, had read and referred, after their captions had been read, the following House bills:

House bill No. 201, Insurance, Statistics and History.

House bill No. 350, to County and County Boundaries.

House bill No. 225, to Judiciary No. 1.
 House bill No. 413, to Judiciary No. 2.
 House bill No. 359, to Public Lands and Land Office.
 House bill No. 145, to Judiciary No. 2.
 House bill No. 236, to Judiciary No. 1.
 House bill No. 466, to Internal Improvements.
 House bill No. 485, to Insurance, Statistics and History.
 House bill No. 284, to Educational Affairs.
 House bill No. 500, to Judiciary No. 1.
 House bill No. 93, to Internal Improvements.
 House bill No. 543, to Judiciary No. 2.
 House joint resolution No. 8, to Committee on Constitutional Amendments.
 House bill No. 290, to State Affairs.
 House bill No. 548, to State Affairs.
 House bill No. 559, to Judiciary No. 2.
 House bill No. 617, to Judiciary No. 1.
 House bill No. 519, to Finance.
 House bill No. 65, to Insurance, Statistics and History.
 House bill No. 417, to Judiciary No. 2.
 House bill No. 404, to Internal Improvements.
 House bill No. 193, to Judiciary No. 2.
 House bill No. 502, to Constitutional Amendments.
 House bill No. 609, to Insurance, Statistics and History.
 House bill No. 156, to Committee on Penitentiaries.
 (See house messages for captions of.)

ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 8:15 o'clock p. m., adjourned till tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Bill in Full.)

Committee Room,
 Austin, Texas, April 11, 1905.
 Hon. George D. Neal, President of the Senate.

Sir: Your committee on enrolled bills have carefully examined and compared Senate bill No. 13, being "An Act to authorize the government of the United States to obtain title to land for all public improvements herein named, and to condemn same, and to define the procedure for such condemnation."

Section 1. That the United States government may purchase, acquire, hold, own, occupy and possess such

lands within the limits of the State of Texas as they shall deem expedient and may seek to occupy and hold as sites on which to erect and maintain light houses, forts, military stations, magazines, arsenals, dock yards, custom houses, postoffices, and all other needful public buildings, and for the purpose of erecting and constructing dams, locks and dams, for the straightening of streams by making cutoffs, building levees, or for the erection of any other structures or improvements that may become necessary in developing or improving the waterways, rivers and harbors of Texas, and the consent of the Legislature of the State of Texas is hereby expressly given to any such purchase or acquisition made in accordance with the provisions of this bill.

Sec. 2. All purchases or acquisitions of land by the United States government for any of the purposes mentioned in the preceding section shall be effected by the proper agent of the United States government with the owners thereof or by any judicial proceedings as hereinafter prescribed; that is to say, whenever the owner of the land desired by the United States government can not agree with the United States authorities thereto authorized upon the price thereof, then the said United States government is authorized under the direction of the proper law officer to institute proceedings against the owner of said land, or the owners of any interest therein in the county court of the county in which the land may be situated and in the same manner as is provided for the condemnation for right of way for railroads, except as hereinafter indicated.

Sec. 3. If the said government of the United States and said owner can not agree upon the value of said land or the damages thereto, caused by the erection or construction of the improvement required, it shall be the duty of the United States officer having the matter in hand and authorized thereto by the United States government to state in writing the real estate and property condemned, the object for which it is to be condemned, the name of the owner thereof and his residence, if known, and file same with the county judge of the county in which said property or a part thereof is situated; providing the owner resides in either county in which the land is situated, the same shall be filed in the county of his residence.

Sec. 4. Upon the filing of said statement, the county judge shall, either in term time or in vacation, appoint three disinterested freeholders of said county as commissioners to assess said

damages, giving preference to those that may be agreed upon between the United States government and the owner of said property.

Sec. 5. The said commissioners shall be sworn by the county judge, or by any officer qualified to administer oaths, to assess said damages impartially and according to law.

Sec. 6. Said commissioner shall, without delay, appoint a time and place for the hearing of said parties, and the day appointed shall be the earliest day practicable and the place, the nearest practicable place to the said property, or at the said county seat of the county in which the property is situated or a part thereof.

Sec. 7. The commissioner shall issue a notice in writing to each of the parties, notifying them of the time and place selected for the hearing.

Sec. 8. Said notice shall be served upon said parties at least five days before the date of the hearing, exclusive of the day of service, and shall be served by the delivery of the copy of same to the party, his agent or attorney, and may be served by any person competent to testify.

Sec. 9. The party making such service shall return the original notice to said commissioners, or any one of them, on or before the day set for said hearing, with his statement thereon, showing how and when same was served.

Sec. 10. When the property in controversy is the property of a deceased person or minor, or of a person of unsound mind and such estate has a legal representative or such minor, or person of unsound mind has a guardian, the notice shall be served upon such a legal representative or guardian. But if said minor or person of unsound mind have no legal representative then said commissioner shall appoint a guardian ad litem as courts of record are authorized to do, to protect the interest of said minor or persons of unsound mind and shall allow reasonable compensation therefor which shall be allowed and taxed as part of the costs of the proceedings.

Sec. 11. When the property in controversy belongs to a non-resident of this State, or to an unknown person, or to persons whose residence is unknown, or who secrete themselves so that service can not be had on them, then such notice may be served upon said owner by publication in the same manner as provided in Article 1235 of the Revised Statutes of the State of Texas, provided that said cause may be tried by said commission on any day not less than four weeks after the publication of said notice.

Sec. 12. When the service of notice has been perfected, the commissioners shall at the time and place appointed, or at any other time or place to which said hearing has been adjourned, proceed to hear said parties, but if upon the day set for the hearing, the serving of notice has not been perfected, the hearing shall be postponed from time to time until the service has been perfected.

Sec. 13. Said commissioners for the purpose mentioned in this bill shall have the power to compel the attendance of witnesses and the giving of testimony and to administer oath and punish for contempt as fully as is provided by law for the district or county court. The rules for damages to be applied in these cases shall be the same as those prescribed for ascertaining the amount of damages in condemnation for right of way proceedings for railroads.

Sec. 14. The compensation for the commissioners shall be the same as is prescribed by law for commissioners in performing similar services in condemnations of right of way for railroads.

Sec. 15. When the said commissioners shall have assessed the damages they shall reduce their decision to writing, stating therein the amount of damages due to the owner of such real estate, if any be found to be due, and shall date same, sign it, and file it with the county judge without delay.

Sec. 16. If said commissioners or either of them from any cause be unable or fail to act as such, the county judge shall appoint another commissioner or commissioners to fill the place or places left vacant by those who are unable, or fail, to act.

Sec. 17. The commissioners may adjudge the cost against either party and shall in their finding state against who it is adjudged and the amount thereof and file same with their award with the county judge.

Sec. 18. If either party be dissatisfied with the decision of such commissioners, he may within ten days after the same has been filed with the county judge file his opposition thereto in writing, setting forth the particular cause, or causes of his opposition, and thereupon the case shall be set down on the county court docket for trial as other civil case.

Sec. 19. If no objections are filed to such decision within the time prescribed in preceding section, the said judge shall have same entered on the record and shall make necessary provision to enforce the same.

Sec. 20. Upon the filing of the award of the commissioners with the county judge, stating the amount of damages

and costs which the United States government shall pay before taking possession of the property, if the United States government shall deposit the amount of the award of the commissioners, together with all cost adjudged against the said United States, they may proceed immediately to the occupancy of the said land and to the construction of their said improvements without awaiting the decision of the county court.

Sec. 21. If, after the filing of the objections to the award, the case shall be retried in the county court and a judgment rendered against the United States for a larger sum than that found in the award of the commissioners, then the said United States government shall be responsible for the cost of said appeal, as well as for the amount adjudged against it in said county court.

Sec. 22. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 23. The fact that the United States government is now engaged in making many needed improvements of the rivers and harbors of Texas, and that the present provisions of the law are wholly inadequate to permit the said improvements to be made with reasonable expedition creates an imperative and public necessity that the constitutional rule requiring bills to be read within three several days be and the same is hereby suspended, and that this bill take effect from and after its passage, and it is so enacted.

And find the same correctly enrolled and have this day at 10:30 o'clock a. m. presented the same to the Governor for his approval.

STONE,
Acting Chairman.

Committee Room,
Austin, Texas, March 28, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 24, being "An Act to prohibit roping contests and providing a penalty therefor and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person who shall engage in a roping contest with other persons or alone, in which cattle or other animals are roped as a test or trial of the skill of the person or persons engaged in such roping contest, for money or prize of any character or for any championship or for anything of value, or upon the result of which any money or anything of value is bet or wagered, shall be guilty of

a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and each animal roped or attempted to be roped shall constitute a separate offense.

Sec. 2. That the serious injuries being sustained by the cattle interests of Texas through roping contests and the almost uniform demand by the cattle raisers and the farmers of this State for relief against roping contests creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,
Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate substitute bill No. 46, being "An Act to amend Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, Revised Civil Statutes."

Be it enacted by the Legislature of the State of Texas:

That Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, of the Revised Civil Statutes, be so amended as to read as follows:

Article 2159. Upon the return of any such citation served at the return term thereof or at some succeeding term to which the application may be continued, if it shall appear that such citation has been served or published as required by law, the court shall ascertain whether the whole or any part of such property is susceptible of partition, also the value of the property, and that there is a residue of the estate on hand subject to partition and distribution, the court shall proceed to have such residue partitioned and distributed among the persons entitled thereto in the manner herein-after provided.

Article 2164. If the estate do not consist entirely of money or debts due the estate, or both, the court shall appoint three or more discreet and disinterested persons as commissioners to make a partition and distribution of the estate, unless the court has already determined that the estate is incapable of partition.

Article 2170. When in the opinion of the court the whole or any portion

of the estate is not capable of a fair and equal division among the distributees, the court shall make a special finding, in writing specifying therein the property that is so incapable of division and the value of the same as found by it.

Article 2171. Upon such special finding of the court not less than twenty days after such finding and before any exception thereto is filed or after such exception is acted upon by the court, any one or more of the distributees, at a regular term of the court, by the payment to the executor or the administrator of the value of the property found by the court that is incapable of division, shall have the right to take such property.

Article 2174. Any distributee shall have the right to file his exception to said finding within twenty (20) days after the finding of the court, the court shall hear proof of same and if satisfied that its finding is erroneous, it may make such additional or amendatory finding so as to conform to the proof.

Section 2. Owing to the crowded condition of the calendar, because of the lateness of the session and the many bills pending which would prevent this bill from being read on three several days, therefore an emergency and an imperative public necessity exists for the suspension of the constitutional rule for bills to be read on three several days, said rule is hereby suspended, and this act shall take effect and be in force immediately from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 4:20 o'clock p. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Free Conference bill for substitute Senate bill Nos. 5 and 79, a bill to be entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas of 1895, by adding Article 2274a and amending Articles 2282 and 2284 of said title and chapter, relating to notice for and the manner of taking depositions in civil cases.

Be it enacted by the Legislature of the State of Texas.

That Title XL, Chapter 2 of the Revised Civil Statutes of the State of Texas of 1895, be amended by adding thereto Article 2274a; and that Arti-

cles 2282 and 2284, Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas of 1895, relating to notice for and the manner of taking depositions be amended so that the same shall hereafter read as follows:

Article 2274a. The parties to any civil suit cause in this state desiring to take the deposition of any witness in said cause in answer to oral questions to be propounded to such witness, may file with the clerk of the court or justice of the peace where the cause is pending their agreement and application in writing to that effect, stating the name of the officer agreed upon to take such depositions and asking for a commission, directed to said officer or any other officer authorized to take depositions, that may be substituted by written agreement of said parties, filed with the papers in said cause, to take the deposition in answer to oral questions to be propounded to the witness, giving the name of the witness and his residence, or where he may be found. When such agreement and application shall be filed in any civil cause pending in any trial court of this state, it shall be the duty of the clerk of such court, or justice of the peace, as the case may be, to issue a commission directed to the judge or clerk of any court of record, notary public or justice of the peace, commanding him to subpoena such witness to appear before such officer at the time and place to be named therein, which process shall be directed to any sheriff or constable of the county and State where said witness resides, and shall be executed and returned like subpoenas in civil cases in the State. At least five days' written notice of the time and place when and where the depositions of the witness are to be taken shall be given by the officer taking the same to both parties to such suit, or their attorney of record; and the parties to such suit and their agents and attorneys may be present when the witness is examined.

When the witness appears before the officer to whom the commission is directed, and the parties to the suit, or their agents or attorneys, or either of them being present, the party desiring the testimony of the witness shall proceed to examine such witness by propounding oral questions to him in respect to the issues of said cause, after which such witness may be cross-examined by the adverse party orally, and then re-examined and re-cross-examined, and as far as practicable in the same manner and subject to the same rules of practice and evidence as if said evidence would be adduced in open court on the trial of said cause. Questions propounded to and the answers of such witness shall be re-

duced to writing and read over to him as the same are severally taken, and objections to either the questions or answers shall be made and entered at the time the deposition is taken, and when said examination is completed the witness shall sign the same;

Provided, that by agreement of the parties to such suit the answers of the witness may be taken in narrative form, omitting the questions propounded. In taking such depositions the officer before whom the same is taken may employ a skillful stenographer or typewriter who shall be agreed upon by all the parties to take down and reduce to type or writing the answers of the witness.

When the answers of the witness have been reduced to writing, the officer executing the commission shall certify over his signature and seal of office that the same were made and reduced to writing and sworn to and subscribed before him by said witness after due examination by the parties to said suit or their attorneys; and such officer shall then seal them up in an envelope together with the commission and questions asked (unless by agreement such answers are in narrative form) and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court or justice of the peace from which or by whom the commission was issued, and return the same as provided in Article 2286.

Article 2282. Upon receipt of such commission by any officer to whom it is directed, whether such is to be taken orally or on written questions and answers, as provided in Article 2274, Title XL, Chapter 2, he shall give at least five days' notice, in writing, to the party at whose instance said deposition is taken, or his attorney of record, and also the adverse party or his attorney of record, of the time and place, giving the particular address when and where said deposition will be taken and stating the day and hour of the day the taking of such testimony will begin; and if the witness and officer executing the commission reside in this State and such witness does not voluntarily appear before the officer at the time and place fixed by him, he shall issue a subpoena, directed to the sheriff or any constable of his county, requiring him to summon the witness to appear and answer the interrogatories and cross-interrogatories, if any, at a subsequent time and place to be named in such subpoena.

Article 2284. Upon the appearance of the witness, the officer to whom the commission is directed, where such

deposition is to be taken on written questions and answers, shall execute such commission by propounding to the witness the interrogatories accompanying the commission in their numerical order, beginning with the first direct interrogatory and continuing until all the direct and cross interrogatories have been propounded and answered; and the answers of the witness to each interrogatory and cross-interrogatory shall be reduced to writing and then read over to the witness at the time it is made and before the next succeeding interrogatory, or cross-interrogatory shall be propounded to him; and the witness shall not be advised of the contents of said interrogatories or cross-interrogatories until the same are severally propounded to him by the officer executing the commission. When the answers of the witness have been so made and reduced to writing in this due order, they shall be signed and sworn to by the witness; and the officer before whom they are taken shall certify over his signature and seal of his office that such answers were made, reduced to writing and read over to the witness in the due order of such interrogatories and cross-interrogatories, and were then signed and sworn to by the witness before him; and such officer shall then seal them up in an envelope, together with the commission and interrogatories and the cross-interrogatories, if any, and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court or justice of the peace from which or by whom the commission was issued.

Provided, that when notice of the taking of said depositions shall have been given as herein required, it shall be lawful for either party, his agents or attorneys, to be present and make such notes of the proceedings as he or they may desire; but it shall be unlawful for either party, his agent or attorney to make any suggestion to the witness or officer taking the depositions in regard thereto while said depositions are being taken, and

Provided, further, that it shall not be lawful for the witness, while answering such interrogatories and cross-interrogatories to use or refer to any memoranda or writing, except such as under the rules of evidence he would be permitted to use and refer to if testifying as witness in open court; and any memoranda or writing so used to be referred to by such witness, or a certified copy thereof properly marked for identification by the officer taking such deposition, shall be attached to and returned with said answers; and

Provided, further, that if at any time after said deposition has been filed it shall be made to appear that any of the provisions of this article have been violated, such deposition shall be suppressed at the cost of the party guilty of such violation; and

Provided, further, that when a deposition is taken, it shall be forwarded forthwith in one of the ways named in Article 2286; and if such deposition is delivered to a person interested in taking the same, or any other person authorized by law to receive the same for transmission, he shall forthwith deliver the same to the clerk or officer of court to whom such deposition is addressed, and for failure so to do, such deposition shall not be used either as evidence or for any other purpose whatsoever.

And find the same correctly enrolled, and have this day, at 4:35 o'clock p. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 17, a bill to be entitled "An Act to inhibit owners, managers and lessees of billiard halls, pool halls and ten pin and bowling alleys and their clerks and employes from permitting persons under twenty-one years of age to play at any game of billiards or pool or to roll on a ten pin or bowling alley, or permit them to enter and remain in such places of business, whether intoxicating liquors are sold therein, and to provide a penalty for the violation of this act."

Be it enacted by the Legislature of the State of Texas:

Section 1. That if any owner, lessee or manager of any billiard hall, pool hall, ten pin alley or bowling alley, or any employe therein, whether intoxicating liquors are sold in such place or not, shall permit any person under the age of twenty-one years to enter such place of business and remain therein for any length of time, without the consent of the parent of such minor, or some one standing in their place and stead, or shall permit any person under twenty-one years of age to play billiards or pool, or roll on any ten pin or bowling alley in such place of business, without the consent of the parent of such minor, or some one standing in their place and stead, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five dol-

lars nor more than one hundred dollars.

Sec. 2. The fact that we now have no adequate law upon the statutes to inhibit persons under twenty-one years of age from entering and remaining in any billiard or pool hall, or ten pin or bowling alley, or playing at such games, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and it is so enacted.

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m. presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 301, being "An Act to create a more efficient road system for Dallas county, Texas, and defining the powers and duties of the commissioners court of said county relative to roads and bridges of said county, and making county commissioners of said county ex officio road commissioners of their respective districts, and prescribing their duties and compensation as road commissioners; and providing for the election of a county engineer of said county, and prescribing the term for which he shall serve, his duties and compensation; and providing, conditionally, for the employment of a consulting engineer; and providing for the laying out, opening, widening, drainage, grading, construction, building, repair and maintenance of public roads of said county, and for the classification and abandonment thereof; and providing for the condemnation of lands and material for use in opening, constructing, repairing and maintaining such public roads; and authorizing said court to direct the opening up of and to open up drains along railways in said county; and abolishing road service and road overseers in said county; and providing for the payment of a road tax; and directing the application of the road and bridge fund of said county, and of proceeds of sale of bonds of said county, issued for road and bridge purposes, and limiting the power of said court to transfer such funds; and prohibiting said court and members thereof from making an excessive levy of taxes for road and bridge purposes; and limiting the power of said court to issue warrants or create debts against the county in connection with such roads and bridges; and providing for the use, management and control of county

convicts of said county; and providing for the letting of contracts and purchase of supplies in certain cases; and prohibiting members of such court and county officers of said county from becoming financially interested therein; and providing for the issuance and sale of bonds of said county for the purpose of building, construction, improving, repairing and maintaining roads and bridges of a permanent nature; and authorizing the transfer to the road and bridge fund of any money on hand collected on account of any bonds now retired and cancelled; and authorizing the commissioners court of said county to issue bonds to an amount necessary to pay off outstanding warrants and interest thereon lawfully issued for the construction, maintenance and repair of roads and bridges; and requiring the county treasurer of said county to keep a separate account of sale of such bonds, and limiting his duties in the disbursement thereof; and providing for the protection of ornamental shade trees; and for the placing and preservation of signboards along such public roads; and prescribing penalties and providing punishment for violation of this act; and providing for the application of fines for such violations, and of all moneys collected on contracts under this act to the road and bridge fund of said county; and providing that this act be given specially in charge to the grand juries of said county; and declaring this act cumulative of General Laws, except in case of conflict, when this act shall control; and repealing all laws and parts of laws in conflict with this act and declaring an emergency."

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 126, a bill to be entitled "An Act to reorganize the Thirty-second Judicial District of Texas, and to fix the time for holding courts, and the terms of the courts therein; to conform all writs and processes to such changes, to declare an emergency, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly enrolled, and have this day at 10:30 o'clock a. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 236, being "An Act to amend Article 899 of the Penal Code of the State of Texas of 1895, so as to require the butchers of Karnes county, Texas, to give bond as required by law,"

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m., presented the same to the Governor for his approval.

STONE, Acting Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 185, being "An Act to amend Articles 3498f, 3498g, and 3498l, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land,"

And find the same correctly engrossed.

BARRETT, Chairman.

CITY AND TOWN CORPORATIONS.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 321, a bill to be entitled "An Act to incorporate the city of Fort Worth and to grant a new charter to said city, approved April 10, 1901, by amending Sections 57 and 63 of said act, and by adding to said act Sections 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 55a, 55b, 55c, 55d, 55e and 80a, and by repealing all laws and parts of laws in conflict with the added sections, and the amended sections as amended, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BEATY, Chairman.

INSURANCE, STATISTICS AND HISTORY.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Insurance,

Statistics and History, to whom was referred

House bill No. 65, a bill to be entitled "An Act to amend Section 9, of Chapter 111, of the General Laws of Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to authorize the incorporation of mutual assessment accident insurance companies, and to control and regulate the same,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but be not printed.

STAFFORD, Chairman.

INTERNAL IMPROVEMENT.

Committee Room,
Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 466, a bill to be entitled "An Act imposing an annual occupation tax upon persons engaged in the business of purchasing or procuring assignments or transfers of wages not earned or not due and payable at the date of such assignment or transfer, and regulating those engaged in such business,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McKAMY, Chairman.

CONSTITUTIONAL AMENDMENTS.

Floor Report.

Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House joint resolution No. 8, a joint resolution authorizing the submission to a vote of the people of the State of Texas of a proposed amendment to Section 24, Article III, of the Constitution of the State of Texas, fixing the salaries of the members of the Legislature,

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

EDUCATIONAL AFFAIRS.

Committee Room,
Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 284, a bill to be entitled "An Act to authorize common school districts to issue bonds for the purpose of building and equipping school houses, and to provide for the investment of the county permanent school fund in said bonds,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

GRINNAN, Chairman.

STOCK AND STOCK RAISING.

Committee Room,
Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 558, a bill to be entitled "An Act to amend Chapter 71, Acts of the Twenty-eighth Legislature, so as to place Clay county under the provisions of same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BRACHFIELD, Chairman.

ROADS, BRIDGES AND FERRIES.

Floor Report.

Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 616, a bill to be entitled "An Act to amend an act to create a more efficient road system for Harrison county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,
Austin, Texas, April 11, 1905.
Hon. Geo. D. Neal, President of the Senate.
Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred.

House bill No. 542, a bill to be entitled "An Act to create a more efficient road system for Coleman county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 289, a bill to be entitled "An Act to create a more efficient road system for Cooke county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 521, a bill to be entitled "An Act to render more effective and efficient the present road system in the State of Texas in its application and operation in the county of Bastrop," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 612, a bill to be entitled "An Act to create a more efficient road system for Jefferson county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

—Senate.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 629, a bill to be entitled "An Act to extend the powers and duties of county commissioners and road supervisors of Bowie county, and providing compensation therefor," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 297, a bill to be entitled "An Act to restore Burnet county to the general road and bridge laws of the State of Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Senate.

MARTIN, Chairman.

JUDICIARY NO. 1.

Floor Report.

April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 225, a bill to be entitled "An Act to amend Chapter 128 of the acts of the regular session of the Twenty-sixth Legislature of the State of Texas, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prohibited from running at large in the following counties: * * * etc.,'"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and the bill be not printed.

HICKS, Chairman.

Floor Report.

April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 238, a bill to be en-

titled "An Act to compel the nomination of all candidates for all offices in all cities and towns in this State by primary election in accordance with the provisions of an act of the Twenty-eighth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violation,' passed and approved April 1, 1903, to define the term 'political party' as used in said act, and to provide a method of organizing a political party within the meaning of the act, and declaring an emergency."

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, with accompanying amendments.

Amend the bill by striking out Section 4 and insert the following:

"Sec. 4. Should a new political party desire to organize, the supporters of such new political party shall present to the city council of such city or town a petition setting forth the name of such party, signed by twenty per cent of the voters qualified to vote at the election of such city or town, and it shall be the duty of such city council to examine the genuineness of the signers of said petition, and if it is found that such petition complies with this act in all respects, the city council shall permit such new political party to have all the rights and privileges in the primary and on the official ballot."

Amend the bill by striking out Section 3 and insert the following:

"Sec. 3. A political party is any political organization which cast as many as ten thousand votes for Governor of the State at the last general election."

HICKS, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 617, a bill to be entitled "An Act to amend an act entitled 'An Act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith,' approved March 29, 1899, by adding thereto Sections 7, 8, 9 and 10,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

HICKS, Chairman.

STATE AFFAIRS.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 36, a bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink; and prescribing penalties for the violation of this act; and to provide for the appointment of a dairy and food commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed, as it has already been printed.

HOLLAND, Chairman.

Floor Report.

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 290, a bill to be entitled "An Act to authorize the State Board of Education to purchase State warrants with the permanent school fund and the unappropriated available school fund,"

Have had the same under consideration, and we report it back to the Senate, with the recommendation that it do pass and be not printed.

HOLLAND, Chairman.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 548, a bill to be entitled "An Act to amend Title LXIX, Article 3393, of the Revised Statutes of the State of Texas, of 1895, relating to holding local option elections,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLLAND, Chairman.

COMMERCE AND MANUFACTURE.

Committee Room,

Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Commerce

and Manufacture, to whom was referred

House bill No. 410, a bill to be entitled "An Act to regulate the sale of certain mill products, and to provide penalties for violation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

GRIGGS, Chairman.

JUDICIARY NO. 2.

Committee Room,
Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 543, a bill to be entitled "An Act to prohibit the soliciting or receiving orders for the sale or delivery of intoxicating liquors in any county in this State, or subdivision thereof, in which the sale of intoxicating liquors has been prohibited by law, and to provide a penalty therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

DAVIDSON,
Chairman.

Floor Report.

April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 413, a bill to be entitled "An Act to amend Section 5 of Chapter 19, act of July 3rd, 1897, relating to the manner of securing the attendance of non-resident witness by out-county subpoenas, and providing fees for such witnesses,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and that it be not printed.

DAVIDSON,
Chairman.

Committee Room,
Austin, Texas, April 11, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 472, a bill to be entitled "An Act to prevent the diversion of electric current, water or gas from passing through any meter, and pre-

vent any electric, water or gas meter, by any manner or means, from registering the full amount of current of electricity, water or gas that passes through it, and to prevent the diversion from any wire of electricity or pipe or pipes of water, or gas, or use of any electric current, water or gas of any person, corporation or company engaged in the manufacture or distribution of electricity, water or gas for lighting, power or other purposes; and to prevent the retaining of, or refusing to deliver any meter, lamps or other appliances, which may have been loaned or supplied for furnishing electricity, water or gas, and to prescribe a penalty for the violation thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Your committee beg leave to further state that said bill is composed of one short section, is simple and plain, and does not therefore require to be printed. Your committee therefore recommend that the printing of said bill be waived, and that the same be considered without being printed.

DAVIDSON,
Chairman.

SIXTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Wednesday, April 12, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.

Absent.

Terrell.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Tuesday, on motion of Senator Faust, the same was dispensed with.